

REMARKS/ARGUMENTS

Specification:

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. To overcome the objection, paragraph 0060 has been amended, as noted above, to recite the terminology "a substantially right angle" and add language clearly pointing out where the angle is found in the drawings. No new matter has been added.

Claim Objections:

Claims 1-7, 9-13, 16-29, 31-41 and 116-119 were objected to for having the following informality. The Examiner has noted that the claimed condylar portions (plural) of claim 1 are disposed at angles (plural), but the recitation that the condylar member (singular) is disposed at angles (plural) as currently recited in the claims is confusing.

To overcome the objections, claim 1, from which claims 2-7, 9-13, 16-29, 31-41 and 116-119 depend, has been amended to recite the phrase "a substantially right angle" in lieu of "substantially right angles".

Claims 11-13 were objected to as being of improper dependent form - the limitations of claim 11 are already found in independent claim 1. To overcome the objections, claim 11 has been cancelled. Claims 12 and 13, each of which previously depended on claim 11, have each been amended to depend from claim 10 which is of proper dependent form.

Claim Rejections - 35 §U.S.C. 112:

Claims 1-7, 9-13, 16-29, 31-41 and 116-119 were rejected as being indefinite. The rejections are overcome as follows.

Claim 1 recites the limitation "at least one posterior condylar member" in line 10 without sufficient antecedent basis. Claim 1 has now been amended to recite the phrase "posterior condylar member" in lieu of "at least one posterior condylar member".

Claim 10 recites the limitation "at least one posterior condylar member" in line 5 without sufficient antecedent basis. Claim 10 has been amended to be consistent with the antecedent basis for "the posterior condylar member" from claim 1 and now recites:

"wherein the ~~at least one~~ posterior condylar member extends ~~extending~~ from the distal femoral portion to contact at least part of a medial posterior femoral condyle and a lateral posterior femoral condyle of the distal femur."

Claim 11 recites the limitation "at least one posterior condylar member" in line 1 without sufficient antecedent basis. Claim 11 has been cancelled as noted above.

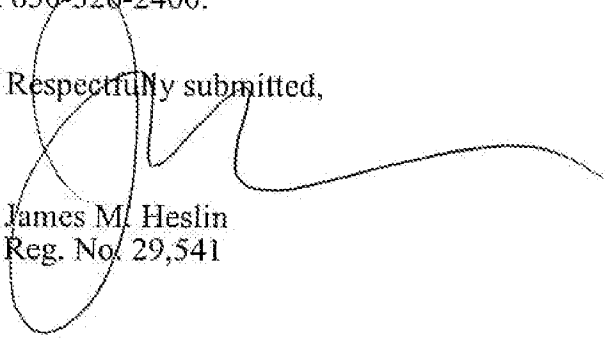
Applicants also note that in a previous amendment, claims 9 and 10 were incorrectly amended to depend from claim 1. Claims 9 and 10 have now been amended to correctly depend from claim 7.

CONCLUSION

Claims 1-7, 9-13, 16-29, 31-41 and 116-119 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112, 2nd paragraph and specification/claim objections. As noted above, the claims and specification have been amended as such. All claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300

Attachments

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